

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SEVEN NETWORKS, LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 2:17-cv-00442-JRG

LEAD CASE

SEVEN NETWORKS, LLC,

Plaintiff,

v.

**SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.**

Defendants.

Civil Action No. 2:17-cv-00441-JRG

CONSOLIDATED CASE

**CEQUEL'S OBJECTIONS AND RESPONSE TO
SEVEN NETWORKS' SUBPOENA**

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, Third Party Cequel Communications, LLC d/b/a Suddenlink Communications ("Cequel") hereby serves its objections and response to the subpoena dated January 19, 2018 ("Subpoena") propounded by SEVEN Networks, LLC ("SEVEN Networks") in the above-captioned action and the Document Requests and Requests for Inspection ("Requests") therein.

SPECIFIC OBJECTIONS TO THE REQUEST FOR INSPECTION

REQUEST FOR INSPECTION:

The Google Equipment (for example, edge servers, edge nodes, and equipment relating to the Google Global Cache service) housed by you under each agreement between you and Google that was in effect from January 1, 2017, until August 22, 2017, and the buildings, hallways, rooms, spaces, places, equipment, and other locations where you house such Equipment.

OBJECTIONS:

Cequel incorporates by reference each of its general objections above.

Cequel further objects to this Request as overbroad, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, not proportional to the needs of this case, and beyond the scope of permissible discovery to the extent it seeks an inspection without regard to the relevance to any claims or defenses in this case. For example, the location where a third party (e.g., Cequel) hosts or operates servers, Google Edge Nodes, or Google Global Caches on behalf of Google is not relevant to venue or any other issue in this case. *See Personal Audio, LLC v. Google, Inc.*, No. 1:15-cv-350, Dkt. No. 103, slip. op. at 18-20 (E.D. Tex. Dec. 1, 2017) (Cequel and other third parties hosting Google Global Caches and Google Edge Nodes for Google in the district does not demonstrate a “regular and established place of business”); *Better Mouse Company, LLC v. Razer USA Ltd. D/B/A Razer, Inc.*, No. 2:17-cv-00317-JRG-RSP, Dkt. 37, slip. op. at 1-2 (E.D. Tex. Dec. 12, 2017) (whether a third party provides services to the defendant in the district is not relevant to venue); *BMC Software, Inc. v. Cherwell Software, Inc.*, No. 1:17-cv-01074, Dkt. 55, slip. op. at 3-6 (E.D. Va. Dec. 21, 2017) (servers operated by a third party do not constitute a “regular and established place of business” and are not sufficient for venue under §

1400(b)). Cequel further objects to this Request as not proportional to the needs of the case because the requested inspection will not resolve any issues in the present litigation and the burden and expense of the proposed discovery outweighs its likely benefit.

Cequel objects to this Request to the extent it uses unlimited, undefined, subjective, or open-ended terms and phrases that are vague, ambiguous, overbroad, or unduly burdensome, including “each” and “relating to.” Cequel further objects to this Request to the extent it is duplicative or cumulative of another request for production or other discovery requests in this case.

Subject to and without waiving these objections and the general objections set forth above, Cequel will not permit inspections in response to this request.

Date: February 2, 2018

Respectfully submitted,

/s/ Robinson Vu

Robinson Vu

Lead Attorney

State of Texas Bar No. 24047046

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**ATTORNEYS FOR THIRD PARTY CEQUEL
COMMUNICATIONS, LLC d/b/a
SUDDENLINK COMMUNICATIONS**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 2, 2018, a copy of Cequel's Objections and Response to SEVEN Networks' Subpoena was served via Federal Express and/or electronic mail on all known counsel of record.

/s/ Robinson Vu
Robinson Vu